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3:01-CV-01973 ACOSTA V. CITY OF SAN DIEGO

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DECL.

ORIGINAL

CASEY GWINN, City Attorney
ANITA M. NOONE, Assistant City Attorney
CARRA L. LASSMAN, Deputy City Attorney (SB#163269)

Office of The City Attorney
Civil Division
1200 Third Avenue, Suite 1200
San Diego, CA 92101-4184
Telephone: (619) 533-5800
Attorneys for Defendants City of San Diego
Joseph Krouss, Gary Hill, Eric Stafford
and Raphael Cimmarrusti

FILED

03 SEP 22 PM 3:43

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH ACOSTA,

Plaintiff,

v.

CITY OF SAN DIEGO, a municipal
corporation; GARY HILL, JOSEPH
KROUSS, ERIC STAFFORD, RAPHAEL
CIMARRUSTI & DOES I-V, in their
official & individual capacities;
QUALCOMM STADIUM, an independent
municipal agency; VOLUME SERVICES
OF AMERICA dba MURPHY'S CLUB;
MURPHY'S CLUB; HENRY
FONTENETTE, MICHAEL OLIVER &
DOES VI-X, in their representative &
individual capacities; ELITE SHOW
SERVICES, Inc.; DONALD WILLIAMS,
VLADIMIR ATABEKIAN & DOES XI-XV,
in their representative & individual capacities;
SAN DIEGO CHARGERS, INC.;
DOES XVI-XX.

Defendants.

CASE NO. 01cv1973 L (JAH)

DECLARATION OF GARY MICHAEL
VILKE, M.D., IN SUPPORT OF
DEFENDANTS CITY OF SAN DIEGO,
JOSEPH KROUSS, GARY HILL, ERIC
STAFFORD AND RAPHAEL
CIMARRUSTI'S **OPPOSITION TO**
PLAINTIFF ELIZABETH ACOSTA'S
MOTION FOR SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, FOR
SUMMARY OF ADJUDICATION OF
ISSUES

Hearing Date: October 6, 2003
Time: 10:30 a.m.
Judge: Hon. M. Lorenz
Courtroom: 11

I, Gary Michael Vilke, declare as follows:

1. The following statements are based upon my personal knowledge, if called as a
witness, I could and would competently testify thereto.

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1 2. I am a medical doctor licensed by the State of California.

2 A true and correct copy of my curriculum vitae is attached to this declaration as Exhibit E.

3 3. I am a full time faculty member in the department of emergency medicine at the
4 University of California, San Diego Medical Center. I am residency trained and board certified in
5 emergency medicine. I work for the medical center as the Director of Custody Services for the
6 San Diego County Sheriff's Department Jail Medical Service where I oversee direct patient care,
7 interface between the jail clinical staff and the hospital staff and have been involved in the process
8 of utilization review.

9 4. I have been retained in this case as a medical expert on issues related to the carotid
10 restraint and other restraint techniques.

11 5. I have previously published a review of blunt carotid injuries in the California
12 American College of Emergency Physicians Lifeline, a non-peer reviewed journal. I have
13 additionally written a chapter on Cervical Spine Injuries for the Five Minute Emergency Medicine
14 Consult Textbook.

15 6. As a physician working at both the jail and in the emergency department that is
16 contracted to care for incarcerated patients, I have evaluated dozens of patients over the last ten
17 years who have been recipients of carotid restraints. I have never seen a patient with any
18 significant or permanent injuries as a result of the restraint. Given the frequency of use of this
19 procedure by law enforcement, I have previously done a complete review of the literature to assess
20 whether or not a patient even requires medical evaluation merely because the carotid restraint was
21 applied.

22 7. The pathophysiology, and thus the safety, of the carotid restraint are relatively
23 straightforward and well delineated in many texts. The purpose is to place the arm around the neck
24 of the subject to be controlled. The crook of the elbow is placed at the anterior (front) region of the
25 neck and the forearm and upper arm come around the sides and are used to place pressure on the
26 lateral aspects of the neck where the carotid arteries are located. Pressure placed on the arteries
27 diminishes blood flow to the brain, quickly rendering the subject unconscious.

28

Gary Michael Vilke

CURRICULUM VITAE

GARY MICHAEL VILKE, M.D., FACEP, FAAEM

HOME ADDRESS:

11397 Wills Creek Road
San Diego, CA 92131
Phone: (858) 653-5292
Fax: (858) 689-8644

Pager: (800) 916-4179

OFFICE ADDRESS:

Department of Emergency Medicine
UCSD Medical Center
200 W. Arbor Drive
San Diego, CA 92103-8676
Phone: (619) 543-6210
Fax: (619) 543-3115
E-mail: gmvilke@ucsd.edu

PERSONAL: Born September 12, 1966 in Cleveland, Ohio
Marital Status: Married, two children

EDUCATION:

Academic: 1983-88	B.S. in Zoology, University of California, Berkeley Berkeley, California
Medical School: 1988-92	M.D., University of California, San Diego School of Medicine La Jolla, California
Internship: 1992-93	Department of Surgery University of California, San Diego Medical Center San Diego, California
Residency: 1993-96	Department of Emergency Medicine University of California, San Diego Medical Center San Diego, California (Chief Resident: 1995-96)

LICENSURE: California Medical License Number G-78057

BOARD CERTIFICATIONS:

National Board of Medical Examiners, 1993
American Board of Emergency Medicine, 1997

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APPOINTMENTS:

7/01 - Present	Associate Professor of Clinical Medicine, University of California, San Diego (UCSD) School of Medicine
3/02 - Present	Interim Medical Director, San Diego County Emergency Medical Services
4/01 - Present	Director, Custody Services, UCSD Medical Center
1/01 - Present	Medical Director, Southwestern College Paramedic Training Program
7/97 - Present	Director, Prehospital Services, UCSD Medical Center
6/97 - Present	Medical Director, Paramedic Base Hospital, UCSD Medical Center
7/00 - Present	Medical Director, Palomar College Paramedic Training Program
7/96 - Present	Assistant Director, Department of Emergency Medicine, UCSD Medical Center
7/96 - Present	Medical Director, Mercy Air Medical Transport Service, San Diego, California

PREVIOUS EXPERIENCE:

4/99 - 3/01	Medical Co-Director, San Diego Central Jail Medical Services
7/96 - 6/01	Assistant Clinical Professor of Medicine, UCSD School of Medicine
1/96 - 7/96	Flight Physician, Mercy Air Medical Transport Service, San Diego, California
7/95 - 7/96	Associated Emergency Physicians Medical Group, San Diego, California
12/94 - 7/96	Kaiser Permanente Emergency Department, San Diego, California
10/94 - 7/96	Med America Health Resource Company, San Diego, California
7/94 - 6/96	Base Hospital Physician, University of California Medical Center
4/94 - 7/95	Sharp-Rees-Stealy Urgent Care, San Diego, California
7/93 - 12/95	Flight Physician, Life Flight Air Medical Transport Service

HONORS AND AWARDS:

- 1990 Random House Medical Student Award
- 1996 American College of Emergency Physicians, California Chapter Challenge Bowl Winner
- 1996 Council of Residency Directors (CORD) Resident Academic Achievement Award
- 1996 Outstanding Emergency Medicine Resident
- 1996 UCSD Emergency Department Staff Support Award
- 1996 *Journal of Emergency Medicine* Outstanding Contribution Award
- 1999 "Golden Apple" Teaching Award, UCSD Emergency Medicine Residency Graduating Class of 1999
- 2000 Faculty of the Year, UCSD Emergency Medicine Residency Graduating Class of 2000
- 2000 Best Research Poster Presentation, California Chapter of the American College of Emergency Physicians (CAL/ACEP) Scientific Assembly, Dana Point, California
- 2000 Outstanding Scientific Abstract, State of California EMS Authority Annual Emergency Medical Services for Children Conference, San Diego, California, November 2000
- 2001 Best Oral Presentation, CAL/ACEP Scientific Assembly, Santa Clara, California

CERTIFICATIONS:

- Basic Cardiac Life Support Provider
- Advanced Cardiac Life Support Instructor
- Pediatric Advanced Life Support Instructor
- Advanced Trauma Life Support Provider
- Hazardous Material Training, Level I
- Pediatric Education for Prehospital Professionals (PEPP) Instructor
- Advanced HAZMAT Life Support Provider

PROFESSIONAL SOCIETY MEMBERSHIPS:

- American Medical Association, 1988-97
- California Alumni Association, 1988
- American College of Emergency Physicians, 1991-2000
- Fellow, American College of Emergency Physicians, 2000
- California Chapter of the American College of Emergency Physicians, 1991
- Society for Academic Emergency Medicine, 1995
- National Association of EMS Physicians, 1998
- Fellow, American Academy of Emergency Medicine, 2000
- California Chapter of the American Academy of Emergency Medicine, 2000

CURRENT ACTIVITIES:

Member, Disaster Medical Assistance Team (CA-4), 1994
Director, Mercy Air Medical Transport Services Continuing Clinical Education, 1996
UCSD Alumni Preceptor, UCSD School of Medicine, 1997
Objective Structured Clinical Examiner, Introduction to Clinical Medicine, UCSD School of Medicine, 1997
Sponsor, Palomar College Emergency Medical Education Department Paramedic Training, 1997
Editor-in-Chief, UCSD Medical Center EMS Run Review, 1997
Reviewer, *Annals of Emergency Medicine*, Mosby, 1998
Medical Director, San Diego County Metropolitan Medical Strike Team, 1998
EMS Team Leader, San Diego County Metropolitan Medical Strike Team, 1999
Member, San Diego County Bio-Terrorism Planning Group, 1999
Quality Assurance Reviewer, Department of Emergency Medicine, UCSD Medical Center, 1999
Evaluator, UCSD Physician Assessment and Clinical Evaluation (PACE) Program, 2000
Editorial Board, *Journal of Emergency Medicine*, Elsevier Science, Inc., 2000
(reviewer since 1994)
Affiliate Faculty, Southwestern College Paramedic Training Program, 2000
Medical Director, EPIC "Eliminate Preventable Injuries of Children" Medics, San Diego County, 2000
Clinical Coordinator, Southwestern College Emergency Medical Technician Program, 2001
Reviewer, *California Journal of Emergency Medicine*, 2001
Peer Reviewer, *Pediatric Emergency Medicine Reports*, 2001
Reviewer, Scientific Abstract Presentations, CAL/ACEP Scientific Assembly, 2001-02

PREVIOUS ACTIVITIES:

Vice-President, California Chapter of Emergency Medicine Residents Association, 1994-95
Editor-in-Chief, California Chapter of Emergency Medicine Residents Association Newsletter, 1994-95
Co-Director, School of Medicine 225: Introduction to Emergency Medicine, UCSD School of Medicine, 1994-95
Reviewer, *Journal of Emergency Medicine*, Pergamon Press, 1994-2000 (now on editorial board)
Strike Team Leader, DMAT Olympics 1996 Biological & Chemical Antiterrorist Medical Support
Associate Editor, *Journal of Emergency Medicine*, Pergamon Press, 1996-97
Reviewer, *European Journal of Epidemiology*, Kluwer Academic Publishers, 1996-97
Co-Director, University of California, San Diego School of Medicine, Course SOM 224I, Pediatric Advanced Life Support Course, 1997-2002
Medical Support Physician, Super Bowl XXXII, San Diego, California, January 25, 1998
Medical Support Physician, Suzuki Rock-n-Roll Marathon, San Diego, California, June 21, 1998
Member, San Diego County 911 Dispatch Quality Review Board, 1997-98
Marketing Director, California Chapter of the American College of Emergency Physicians (CAL/ACEP) Scientific Assembly, 1998-99
Member, Program Committee, CAL/ACEP Scientific Assembly, 1998-99
Howard Hughes Foundation Undergraduate Preceptor, 1998, 1999
Co-editor, Pearls from PAC Newsletter, 1998-2000
Preceptor, Introduction to Clinical Medicine 201-B, UCSD School of Medicine, 1999
Co-Chair, Program Committee, CAL/ACEP Scientific Assembly, 1999-2000 and 2000-01
Moderator, EMS Poster Section, Western Regional Society for Academic Emergency Medicine Conference, Portland, Oregon, April 2000
Preceptor, California State University Dominguez Hills Statewide Nursing Program, 2000
San Diego Port District AED (Automated External Defibrillator) Program RPF Panel, 2001
Member, Board of Directors, CAL/ACEP, 2001-02
Moderator, Western Regional SAEM Research Presentations, San Diego, California, April 2002

CURRENT UCSD COMMITTEE MEMBERSHIPS:

Medical Director's Group, 1997
Research Committee, Department of Emergency Medicine, 1997
Clinical Representative, Trauma Quality Assurance Program, 1998
Trauma Multidisciplinary Committee, 2000
UCSD Faculty Association, 2002
Medical Risk Management Committee, 2002

PREVIOUS UCSD COMMITTEE MEMBERSHIPS:

Chair, Emergency Department Staffing Committee of Process Action Team, 1994-95
Hospital Infection Control Committee, 1994-95
Emergency Medicine Housestaff Association Representative, 1994-96
Emergency Department Clinical Practices Committee, 1994-96
Emergency Department Peer Review/Quality Assurance Committee, 1995-96
Emergency Department Critical Care Room Process Action Team, 1996
Credentials Committee, 1997-2000
Paramedic/Emergency Department Interface Task Force, 1998-99
Emergency Department Staffing Committee, Department of Emergency Medicine, 1999
Faculty Search Committee, Department of Emergency Medicine, 1999, 2000

CURRENT COMMITTEE MEMBERSHIPS:

San Diego County Base Hospital Physicians Committee, 1997
San Diego County Trauma Audit Committee, 1997
San Diego County Prehospital Audit Committee, 1997
San Diego County Aeromedical Protocol Committee, 1998
Chair, CPR Subcommittee, San Diego County Prehospital Audit Committee, 1998
San Diego County Committee on Pediatric Emergency Medicine, 1998
City of San Diego EMS Physicians' Advisory Committee, 1998
City of San Diego Prehospital Cardiac Advisory Committee, 1998
Operations Committee, San Diego County Metropolitan Medical Strike Team, 1998
San Diego Central Jail Quality Assurance Committee, 1999
San Diego Central Jail Medical Oversight Committee, 1999
Chair, Research Subcommittee, San Diego County Prehospital Audit Committee, 2000
Education Committee, CAL/ACEP, 2000
Chair, EMS Committee, American Academy of Emergency Medicine California Chapter, 2000
San Diego County Paramedic Training Joint Advisory Committee, 2000
SAEM EMS Interest Group, 2001
San Diego County Sheriff's Pharmacy and Therapeutics Committee, 2001
Program Management Committee, San Diego County Metropolitan Medical Strike Team, 2001
Training Committee, San Diego County Metropolitan Medical Strike Team, 2001
SAEM Program Committee, 2001
Didactic Subcommittee, SAEM Program Committee, 2001
San Diego County Sheriff's Mortality Review Committee, 2001
Air Medical Transport Section, American College of Emergency Physicians, 2001
Emergency Medical Services Section, American College of Emergency Physicians, 2001
San Diego County Public Health Preparedness Team, 2001
EMS Medical Director's Association of California, 2002
San Diego County EMS for Children (EMSC) Advisory Committee, 2002

PREVIOUS COMMITTEE MEMBERSHIPS:

Practice Management Committee, CAL/ACEP, 1994-95

Research Subcommittee, San Diego County Prehospital Audit Committee, 1997-99
(now chairman)

Prehospital RSI Task Force, San Diego County Prehospital Audit Committee, 1997-99

Committee on Prehospital Stroke Triage, San Diego County Medical Society, 1998

Chair, San Diego County Prehospital Audit Committee, 1998-2000

Steering Committee, San Diego County Metropolitan Medical Strike Team, 1998-2001

Program Committee, CAL/ACEP Scientific Assembly, 1998-2001 (Co-Chair for 1999-2001)

Awards Committee, CAL/ACEP Scientific Assembly, 1999-2001

EMS Committee, San Diego County Metropolitan Medical Strike Team, 1999-2001

San Diego County Metropolitan Medical Response System Bio-Terrorism Planning Group, 1999-2001

San Diego County Pediatric CPR Task Force, 1999-2000

San Diego Sheriff's Source Selection Committee, 2000

San Diego County EMS QA Net Prehospital Design Steering Committee, 2000-01

San Diego County SIPs (Serial Inebriate Program) Task Force, 2000-02

Chair, Training Committee, San Diego County Metropolitan Medical Strike Team, 2001-02

Co-Chair, EMS Committee, CAL/ACEP, 2001-02

Policy Committee, CAL/ACEP, 2001-02

Task Force Leader, CAL/ACEP Scientific Assembly, 2001-02

Governmental Affairs Committee, CAL/ACEP, 2001-02

FUNDED RESEARCH:

1. County of San Diego, with Tom Neuman and Theodore Chan, for evaluation of positional asphyxia in the hobble restraint position, 1995--\$30,000
2. Cook Medical Products, with Theodore Chan, for evaluation of the Melker percutaneous cricothyrotomy kit in human cadavers, 1997--\$10,000
3. American Academy of Forensic Sciences, with John Eisele, Jack Clausen, Tom Neuman and Theodore Chan, for the evaluation of positional asphyxia in the hobble restraint position with weight on subjects' backs, 1998--\$2,500
4. Co-Investigator, with Theodore Chan, for study entitled, "The Impact of Oleoresin Capsicum Spray on Respiratory Function in Human Subjects in the Sitting and Prone Maximal Restraint Positions." Study funded by the National Institute of Justice, U.S. Department of Justice, 1998-99. UCSD No. 98-7107; USDOJ Federal Award #98-IJ-CX-0079. Amount: \$128,176.
5. Beutlich Pharmaceuticals, with Albert Jin, Theodore Chan and Daniel Davis, for evaluation of Hurricane anesthetic in patients with dyspepsia, 2001--\$1,500

*Gary M. Vilke, M.D., FACEP, FAAEM
11397 Wills Creek Road
San Diego, California 92131
(858) 653-5292*

January 16, 2003

Carra L. Lassman
San Diego City Attorney's Office
1200 Third Avenue Suite 1100
San Diego, CA 92101

RE : Elizabieth M. Acosta v. City of San Diego, et al.

Dear Ms. Lassman:

As per your request, I have reviewed the materials from the above referenced case. This includes, but is not limited to:

Expert report of Dr. George Le Beau
Exhibit V (26 articles submitted from the criminal trial)
Medical records from George R. Le Beau, D.C.
San Diego Police Department Procedure No. 1.04: Carotid Restraint
San Diego Police Department Procedure No. 1.08: Use of Force
Report by Lawrence Richman, President Heritage Security Services
Report by E.J. Pellegrino, Use of force consultant
Written Statement by presumably Elizabeth Acosta dated 11/6/00
Police report by G. Hill dated 10/30/00

After reviewing the material, there are several issues that are clear given this information.

Elizabeth Acosta was attending a football game, had been drinking and ultimately was involved in an altercation with police officers on 10/29/00. After her interactions, she reported in a letter dated 11/6/00, that she was restrained in a hogtie position that "was very painful for my wrists." She reported no other physical complaints in this statement. I did not see any reports of evaluation by a medical doctor for her injuries, but only a report by a chiropractor, Dr. George Le Beau.

To the best that I can decipher from his clinic notes, on 11/7/00 Dr. Le Beau evaluated Ms. Acosta and subjectively noted some neck pain, shoulder tension and nervousness. His report documents multiple bruises, including to the chest and lower back. He also documents "very sore abdominal wall area" over the region of the left upper quadrant of the abdomen. I did not see any reports of objective radiographic evaluations of these regions. As a trained emergency physician, this concerns me. Either the injuries were truly not as dramatic or as "very sore" as documented and thus would lead me to be suspicious of other statements or reports presented by Dr. Le Beau, or Dr. Le Beau was not acting in the patient's best interest which would have been to refer Ms. Acosta to a medical doctor for evaluation, since abdominal pain of this degree after reported trauma could be indicative of internal injury. As the patient was not referred for a medical evaluation of the abdomen or any of her other reported injuries, I presume that the chiropractic records are exaggerated, and thus difficult to interpret.

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In Dr. Le Beau's report, he spends a great deal of time dramatically discussing the documentation of some bruises and reporting that touching or palpating a bruise is uncomfortable. Clearly, any person who has had a bruise in his or her lifetime and had it touched can report this finding. He notes some bruising to her neck, which ultimately, is just a bruise to her neck. He uses this not infrequent physical finding to go into a melodramatic and exaggerated explanation about the neck being extremely sensitive to "any kind of trauma". Clearly, a significant amount of trauma to any part of the body can have significant consequences with the right clinical presentation, but to imply that "any" trauma to the neck put the patient at risk for spinal cord injury and paralysis is absurd. One of the mainstays of chiropractic treatments is neck manipulations, which by his definition, would put patients at risk for paralysis. Again, this report by Dr. Le Beau is challenging to sort through because of the exaggerated nature of his writing. Ultimately, it appears that the greatest injuries that Ms. Acosta suffered were some bumps and bruises.

Dr. Le Beau discussed his opinion on the application of carotid holds. He states that the carotid hold is "extremely dangerous and the potential for permanent and serious injury, even death, is enormous and always present." Yet, Dr. Le Beau discusses he spent over ten years at the mat with the US Judo Team and trained in this competitive sport that supports and teaches the use of this hold. In fact, he even allowed someone to apply this "extremely dangerous" choke hold to him, even though many of his athletes "have suffered long-term problems resulting from the carotid hold." So even though Dr. Le Beau supports the sport of judo with the long history of utilizing choke holds, he continues to emphasize its inherent risks.

Dr. Le Beau is accurate in that there are case reports of carotid restraints used by law enforcement having been associated in disability and death. Additionally, there are really no reports of death associated with choke holds in the sport of judo since its inception in 1882. Does this mean that carotid restraint should not be used? The medical literature also reports many more patients suffering permanent paralysis and strokes at the hands of chiropractors through manipulations, so does this mean that chiropractic manipulations are "extremely dangerous" and should not be used?

The obvious answer to both questions is no. In trained individuals performing their procedures correctly on appropriate candidates, both of these procedures (carotid restraints and chiropractic manipulations) are commonplace and are accepted as standard of practice in the community. For Dr. Le Beau to point a finger at trained police officers appropriately utilizing a carotid restraint, while he supports its use in judo and practices as a chiropractor, is hypocritical and unreasonable.

Additionally, the patient, to the best that I can determine, suffered no significant medical dysfunction or injuries. For Dr. Le Beau to support this case based on what possibly *could* have happened is like somebody suing a chiropractor who performed a neck manipulation for the possibility that there *could* have been permanent neurological injuries based on a review of the medical literature.

The pathophysiology, and thus the safety, of the carotid restraint are relatively straightforward and well delineated in many texts. The purpose is to place the arm around the neck of the subject to be controlled. The crook of the elbow is placed at the anterior (front) region of the neck and the forearm and upper arm come around the sides and are used to place pressure on the lateral aspects of the neck where the carotid arteries are located. Pressure placed on the arteries diminishes blood flow to the brain, quickly rendering the subject unconscious.

The elbow being at the location of the anterior portion of the neck prevents pressure being placed on the airway itself. It is just a fulcrum, not a pressure point. Thus the term "choking out" of a person really is not accurate as there is no choking involved. That term was originally coined when in the past when a true choke hold was being utilized: where the forearm crossed the anterior neck in a "bar-like" hold and there was truly choking and airway obstruction involved. This does not occur in a properly placed carotid restraint. And when the restraint is immediately released after rendering the subject unconscious, the procedure is safe without significant short or long-term effects.

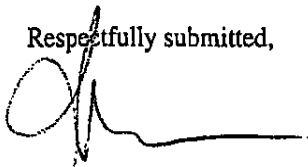
My background is that I am a full time faculty member in the department of emergency medicine at the University of California, San Diego Medical Center. I am residency trained and board certified in emergency medicine. I work for the medical center as the Director of Custody Services for the San Diego County Sheriff's Department Jail Medical Service where I oversee direct patient care, interface between the jail clinical staff and the hospital staff, and have been involved in the process of utilization review.

As a physician working at both the jail and in the emergency department that is contracted to care for incarcerated patients, I have evaluated dozens of patients over the last ten years who have been the recipients of carotid restraints. I have never seen a patient with any significant or permanent injuries as a result of the restraint. Given the frequency of use of this procedure by law enforcement, I have previously done a complete review of the literature to assess which patients even need medical evaluation after having the carotid restraint applied. I have previously published a review of blunt carotid injuries in the California American College of Emergency Physicians Lifeline, a non-peer reviewed journal. I have additionally written a chapter on Cervical Spine Injuries for the Five Minute Emergency Medicine Consult Textbook.

Appendix A, as requested, is list of all publications authored by me over the previous ten years. Appendix B is a list of all cases in which I have testified as an expert in trial or deposition within the preceding four years. Additional information considered by me in the preparation of this opinion are included in Appendix C. My rate of compensation is \$400.00/hr for review and discussion and \$350.00 for deposition and trial testimony.

If you have any question or comments, please feel free to contact me at any time. I can be most readily reached at my home number, (858) 653-5292. If you need to reach me urgently, I am on 24-hour pager call via the pager operator at (619) 543-6737. My e-mail address is gmvilke@ucsd.edu.

Respectfully submitted,



Gary M. Vilke, M.D., FACEP, FAAEM
Associate Professor of Clinical Medicine
Interim Medical Director, San Diego County EMS
Director, Custody Services, UCSD Medical Center

Appendix A

List of all publications authored over the last ten years

Original Peer-Reviewed Articles

1. Vilke GM, Hoyt DB, Epperson M, Fortlage D, Hutton KC, Rosen P: Intubation techniques in the helicopter. *J Emerg Med* 1994;12(2):217-224.
2. Rockwell E, Jackson E, Vilke G, Jeste DV: A study of delusions in a large cohort of Alzheimer's disease patients. *Am J Geriatric Psychiatry* 1994;2(2):157-164.
3. Chan T, Vilke GM, Williams S: Bi-directional ventricular tachycardia in a patient with digoxin toxicity. *J Emerg Med* 1995;13(1):89.
4. Vilke GM: Misplaced intravascular catheters in a patient with acute renal failure. *J Emerg Med* 1995;13(3):379.
5. Vilke GM, Vilke TS, Rosen P: The completeness of MEDLINE for papers published in the *Journal of Emergency Medicine*. *J Emerg Med* 1995;13(4):457-460.
6. Bauman BH, Vilke G, Chan T: Dexamethasone use in croup. *West J Med* 1996;164(1):66.
7. Vilke GM, Hayden SR: Intraorbital air in a patient status post-facial trauma. *J Emerg Med* 1996;14(1):77.
8. Vilke GM, Jacoby I, Manoguerra AS, Clark R: Disaster preparedness of poison control centers. *Clin Toxicol* 1996;34(1):53-58.
9. Vilke GM: "No worries." *J Emerg Med* 1996;14(5):641-642.
10. Vilke GM, Honingford EA: Cervical spine epidural abscess in a patient with no predisposing risk factors. *Ann Emerg Med* 1996;27(6):777-780.
11. Vilke GM, Honingford EA: Diabetes and neck pain (Letter to the editor). *Ann Emerg Med* 1996;28(6):731.
12. Vilke GM, Wulfert EA: Case reports of two patients presenting with pneumothorax following acupuncture. *J Emerg Med* 1997;15(2):155-157.
13. Vilke GM: Chest pain in an elderly patient. *J Emerg Med* 1997;15(4):523.
14. Chan TC, Vilke GM, Neuman T, Clausen JL: Restraint position and positional asphyxia. *Ann Emerg Med* 1997;30(5):578-586.
15. Moss ST, Chan TC, Buchanan J, Dunford JV, Vilke GM: Outcome study of prehospital patients signed out against medical advice by field paramedics. *Ann Emerg Med* 1998; 31(2):247-250.
16. Chan TC, Vilke GM, Neuman T: Reexamination of custody restraint position and positional asphyxia. *Am J Forensic Med Pathol* 1998;19(3):201-205.
17. Howard JD, Reay DT [32(1):116-117] / Chan TC, Vilke GM, Neuman T, Clausen J: Positional asphyxia (Reply to letter to the editor). *Ann Emerg Med* 1998;32(1):117-118.

18. Vilke GM, Mahoney G, Chan TC: Postpartum coronary artery dissection. *Ann Emerg Med* 1998;32(2):260-262.
19. Rosa CM, Schwartz BL, Vilke GM: The prehospital electrocardiogram: Future standard of care? *Top Emerg Med* 1998;20(3):23-29.
20. Davis DP, Bramwell KJ, Vilke GM, Cardall TY, Yoshida E, Rosen P: Cricothyrotomy technique: Standard versus the rapid four-step technique. *J Emerg Med* 1999;17(1):17-21.
21. Davis DP, Stephen KAC, Vilke GM: Inaccuracy in endotracheal tube verification using a Toomey syringe. *J Emerg Med* 1999;17(1):35-38.
22. Friedman L, Vilke GM, Chan TC, Hayden SR, Guss DA, Krishel SJ, Rosen P: Emergency department airway management before and after an emergency medicine residency. *J Emerg Med* 1999;17(3):427-431.
23. Bramwell KJ, Davis DP, Cardall TY, Yoshida E, Vilke GM, Rosen P: Use of the Trousseau dilator in cricothyrotomy. *J Emerg Med* 1999;17(3):433-436.
24. Cardall TY, Chan TC, Brady WJ, Perry JC, Vilke GM, Rosen P: Permanent cardiac pacemakers: Issues relevant to the emergency physician, Part I. *J Emerg Med* 1999;17(3):479-489.
25. Cardall TY, Brady WJ, Chan TC, Perry JC, Vilke GM, Rosen P: Permanent cardiac pacemakers: Issues relevant to the emergency physician, Part II. *J Emerg Med* 1999;17(4):697-709.
26. Vilke GM, Buchanan J, Dunford JV, Chan TC: Are heroin overdose deaths related to patient release after prehospital treatment with naloxone? *Prehosp Emerg Care* 1999;3(3):183-186.
27. Roppolo LP, Vilke GM, Chan TC, Krishel S, Hayden SR, Rosen P: Nasotracheal intubation in the emergency department, revisited. *J Emerg Med* 1999;17(5):791-799.
28. Vilke GM: FOOSH injury with snuff box tenderness. *J Emerg Med* 1999;17(5):899-900.
29. Chan TC, Neuman T, Vilke GM, Clausen J, Clark RF: Metabolic acidosis in restraint-associated cardiac arrest (Letter to the editor). *Acad Emerg Med* 1999;6(10):1075-1076.
30. Chan TC, Vilke GM, Bramwell KJ, Davis DP, Hamilton RS, Rosen P: Comparison of wire-guided cricothyrotomy versus standard surgical cricothyrotomy technique. *J Emerg Med* 1999;17(6):957-962.
31. Reay DT, Howard JD [20(3):300-301] / Chan TC, Vilke GM, Neuman T: Restraint position and positional asphyxia (Reply to letter to the editor). *Am J Forensic Med Pathol* 2000; 21(1):93.
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Appendix B

List of all cases in which testified as an expert in trial or deposition within the preceding four years

May 12, 2000 - Deposition

Jesse Molina, as a personal representative of Frankie Sierra, deceased, and on behalf of the Estate of Frankie Sierra, and Rebecca Molina, as mother and next friend of Ramon Sierra, a minor v. The Town of Silver City, New Mexico et al.
U.S. District Court, District of New Mexico
Silver City, New Mexico
Case # 98-1108 LH/JHG

September 26, 2000 – Deposition

Craig Bickford, individually and as next friend for Danielle Bickford v. William Parks, M.D., and CH Allied Services, Inc. d/b/a Boone Hospital Center, and Emergency Physicians of Mid-Missouri, P.C.
Boone County Circuit Court
Columbia, Missouri
Case # 99CV164176

April 5, 2001 – Deposition

Bonnie Keeney, Administratrix of the Estate of Edward J. Nolan v. City of New London, et al.
United States District Court for the District of Connecticut
Hartford, Connecticut
Civil Action # 399CV2096 JCH

July 30, 2001 – Trial

Marcellina R. Stenson v. City of Knoxville, Tennessee, et al.
United States District Court
Knoxville, Tennessee
Case # 3:98-CV-142

September 23, 2002 – Trial

Bonnie Keeney, Administratrix of the Estate of Edward J. Nolan v. City of New London, et al.
United States District Court for the District of Connecticut
Hartford, Connecticut
Civil Action # 399CV2096 JCH

December 12, 2002 – Deposition

Estate of Steven Richardson et al v. Jeffrey Sabine, M.D. et al.
Oklahoma City, Oklahoma
Case # 9989-003

Appendix C

Additional information considered by me in the preparation of this opinion

Lee KP, Calini WG, McCormick GF, Albers GW. Neurologic complications following chiropractic manipulation: survey of California neurologists. Neurology 1995; 45(6):1213-5.

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